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Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy

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NO. 417-53803-2020

IN THE INTEREST OF	**§**	**IN THE DISTRICT COURT**
	§	
S.A.L., J.L.L. AND L.A.L.,	**§**	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	**§**	**COLLIN COUNTY, TEXAS**

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Michael Long submits to the Court this response to the Petition for Writ of Habeas Corpus filed in this case by Kelly Long.

1. Respondent enters a general denial.

2. Pursuant to Texas Family Code 157.327(a), a Petition for Writ of Habeas Corpus can only be granted if the Movant has the superior right to possession of the child under the current governing order. **Petitioner does not have the right to possession of the children by virtue of the active court order.** On August 12, 2020, the Court entered, in addition to other rulings, an interim possession schedule awarding Michael Long the right to possession of the children until the temporary orders hearing scheduled on August 20, 2020, except that Kelly Long was awarded the right to supervised possession of the children from 6:00 p.m. on Friday, August 14, 2020 to 6:00 p.m. on Sunday, August 16, 2020. This interim possession schedule was not a part of the Temporary Restraining Order previously granted to Michael Long, which Kelly Long's own Counsel have claimed was not extended at that hearing. Neither the Temporary Restraining Order nor the Order Setting Aside Temporary Restraining Order set aside this interim possession schedule; therefore, **Kelly Long does not have the present right to possession of the children under the Court's interim order**.

3. In addition, pursuant to Texas Family Code 157.374, a Petition for Writ of Habeas

Corpus should not be granted if there is a serious, immediate question of harm. **In this case, there is a serious, immediate question concerning the welfare of the children**. As outlined in the attached *Exhibit A* and the referenced documents, Sophie Long ("Sophie" hereinafter) has made outcries of sexual abuse being committed at Kelly Long's house or while in Kelly Long's care and has asserted that she will be killed or harmed if she is forced to return to Kelly Long's care. The child's medical records from both Dell Children's and her primary care physician, Whitney Morgan, reference concerns that the child has been sexually assaulted. Based on medical issues that have developed, likely from the believed sexual assault, Sophie's physician has also stated that it will be harmful to her health for Sophie to travel more than 15 minutes and has ordered bloodwork, an abdominal ultrasound, and a pelvic ultrasound to determine the cause of Sophie's current medical issues. Furthermore, on Friday, August 14, 2020, Michael Long attempted to exchange possession of Sophie, but Sophie vehemently refused to go, claiming that she would be killed or, at the very least, severely punished for reporting the abuse. Michael Long attempted for approximately 2 hours to convince Sophie to cooperate with the exchange, but Sophie's fear, physical lack of cooperation, and outcries of a threat to her life and/or physical safety made it impossible for the exchange to occur. The exchange of the younger two children was successfully completed. On that same weekend, Sophie made outcries to both police and a medical professional of sexual abuse while in Kelly Long's care.

4. It was necessary to secure the services of Taylor M. Mohr of MOHR LAW FIRM, a licensed attorney, to preserve and protect the rights of the children. Petitioner should be ordered to pay reasonable attorney's fees, expenses, and costs, and a judgment should be rendered in favor of this attorney and against Petitioner and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests post-

judgment interest as allowed by law.

Respondent prays that this Court deny the Petition for Writ of Habeas Corpus.

Respondent prays for recovery of attorney's fees, expenses, costs and interests as requested above.

Respondent prays for general relief.

Respectfully submitted,

MOHR LAW GROUP
5830 Granite Parkway #100-220
Plano, Texas 75024
Tel: 972.265.9530

By:_____
Taylor M. Mohr
State Bar No. 24081049
taylor@mohrlawgroup.com
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that a true copy of this Response to Petition for Writ of Habeas Corpus was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on August 18, 2020:

Amber Shemesh by electronic filing manager.

Taylor M. Mohr
Attorney for Respondent

EXHIBIT A

PETITIONER'S SUPPORTING AFFIDAVIT

Michael Long appeared in person before me today and stated under oath:

"My name is Michael Long. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in this case and the children's father.

"On August 12, 2020, we had a short hearing on my motion for a TRO. My attorney withdrew right before the hearing, so I had to handle the hearing myself. Judge Hockett said that the hearing would resume on August 20, 2020 and that until then, I would have possession of the kids, except that Kelly would have the right to possession from 6 pm on Friday, August 14, 2020 to 6 pm on Sunday, August 16, 2020, to be supervised by her mother. My understanding is that this was not a part of any TRO but, instead, was an interim ruling regarding possession to last us until the hearing on August 20. The Court's order setting aside the prior TRO does not set aside the interim orders for possession, so my understanding is that I have possession of the kids until August 20.

"On August 13, 2020 (**after the hearing held on August 12, 2020**), Sophie's doctor called us highly concerned about results she had received from Sophie's medical tests. She instructed us to bring Sophie in immediately. Sophie made additional statements to the doctor that were inappropriate and highly concerning (for example, Sophie asked the doctor if the doctor would need to take pictures of her vagina).

"Sophie's doctor is now having Sophie tested for STDs like chlamydia. She has

also ordered a pelvic ultrasound and an abdominal ultrasound. Sophie is also experiencing chronic vaginal pain and rectal disfunction and making outcries claiming to be concerned that she will be killed if she returns to her mom's house now that she has told people what has been happening to her. Sophie's treating physician has stated that Sophie should not travel for more than 15 minutes right now and that she should immediately report for these additional tests. Sophie's doctor has also said that if these conditions are not immediately treated, they could become life threatening. The information from Sophie's doctor is attached to this affidavit and incorporated into this affidavit by reference.

"Sophie has made multiple outcries to myself and my wife about sexual abuse while in her mother's care. She's written about it in journals and recently reported it to police and to a nurse. While I understand that Sophie didn't make an outcry during her forensic interview, she said it was because she didn't trust the interviewer. She has been told not to report things to CPS (which we have on recording), so it's difficult to get her to open up to people in authority about what's going on.

"On Friday, August 14, 2020, Kelly came to pick the children up, and Sophie refused to go. She was kicking and hitting and screaming that she would not go. She told myself and a police officer that they would kill her if she went. I did what I could do to encourage her to go so that I wouldn't be in violation of the interim possession order, but I could not force her. I also have serious and legitimate concerns about her wellbeing if she is forced to return.

"Based on the Court's ruling on August 12, I believe that I have the right to possession of the children until the hearing on August 20. In addition, I believe that the

children's health and welfare would be in danger if they were to return to their mother's care before we are able to have a hearing on this issue.

"I have attached relevant documentation to this affidavit, and I incorporate those documents into this affidavit."

Michael Long

SIGNED under oath before me on 08/17/2020.

JULIA GUARDIOLA
NOTARY PUBLIC - STATE OF TEXAS
ID # 12411366-3
My Commission Expires 02/07/2022

Notary Public, State of Texas

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Mary Spring on behalf of Taylor Mohr
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Status as of 8/18/2020 10:49 AM CST

Associated Case Party: Michael Long

Name	BarNumber	Email	TimestampSubmitted	Status
Taylor MMohr		taylor@mohrlawfirm.com	8/18/2020 8:48:38 AM	SENT

Associated Case Party: Kelly Long

Name	BarNumber	Email	TimestampSubmitted	Status
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Case Contacts

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